

**ATT Working Group Meetings and
1st CSP9 Informal Preparatory Meeting**
14 - 17 FEBRUARY 2023 | GENEVA,
SWITZERLAND

Summary Analysis Report

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WORKING GROUP ON EFFECTIVE TREATY IMPLEMENTATION (WGETI)

Sub-Working Group on Articles 6 and 7

The Sub-Working Group on Articles 6 & 7 (Prohibitions & Export and Export Assessment) focused on reviewing a [list of possible draft elements for Chapter 2](#) (Article 6 - Prohibitions) of the proposed Voluntary Guide to assist States Parties in implementing Articles 6 and 7. These draft elements were derived from views exchanged during discussions held in the CSP8 cycle and follow on from the adoption of Chapter 1 of this Guide which was confirmed as a living document during CSP8.

At the start of the session, the facilitator - Ambassador Ignacio Sánchez de Lerín (Spain) - outlined the Sub-Working Group's aim to develop voluntary and useful guidelines based on the practical experiences of states in applying Article 6. He confirmed that the objective is not to interpret or reinterpret any terms relevant to the prohibition of an arms transfer operation, but rather to reaffirm existing understandings codified in other international law instruments.

France, Switzerland, China, the Republic of Korea, Mexico, Argentina and the European Union (EU) all made statements in support of the draft elements of Chapter 2, noting that it will be valuable to support implementation. Several States Parties (**Switzerland, China, the Republic of Korea, and Mexico**) also emphasized the importance of avoiding the reinterpretation of key legal concepts.

The most substantial intervention delivered under this agenda item came from the **ICRC**, which provided concrete feedback on Chapter 2 of the Voluntary Guide on Articles 6 & 7. ICRC argued that under Article 6.3, states have a due diligence obligation to prevent genocide and other international crimes which is not limited to situations where genocide is already occurring or 'imminent' as the draft suggested. ICRC recommended that the draft text should be amended to cover these situations, indicating that states must take initiative and act to prevent the transfer of arms when they are, or should be, aware of a serious risk or danger that the arms may be used in the commission of these crimes, a point echoed by Control Arms. **Control Arms** also recalled that the Voluntary Guide "is not a norm-setting exercise on how to apply the Treaty's obligations". This limits the use of the "Voluntary Guide" and reinforces the need to complement the Voluntary Guide process with an exchange of concrete practical experiences of States Parties.

In addition, the **EU** and two States Parties outlined specific elements of their national practices in relation to the implementation of Articles 6 and 7 which could inform the Voluntary Guide. The EU's statement noted that although export risk assessments under Article 7 remain under the competency of individual Member States, a new confidential EU database has been launched to facilitate convergence by collecting country-by-country information on all potential export destinations for European equipment and technology. The aim of this database is to ensure that export licenses are granted based on a thorough assessment and application of the EU Common Criteria.

Georgia noted that reports from civil society organizations and the EU are useful when deciding whether to authorize an export and specified that no decision will be made if there is evidence of a clear risk that the products will be used against another country or to affect regional stability negatively. Their system also includes consideration of the technical or economic capability of states, to ensure that any goods provided can be appropriately secured and managed. Similarly, **Romania** stressed that the pre-transfer risk assessment remains a primary responsibility of its export control system. As such, every export, import and brokering licence application is assessed on a case-by-case basis, by an Inter-agency Council, which adopts its decisions by consensus. Romanian exporters are required to provide, as support documentation:

- ✓ the end-user documentation, which may include re-export clauses or an undertaking that the exported goods will not be used for purposes other than the declared intended use;
- ✓ details about all parties involved in the transaction, including brokers; and
- ✓ after delivery, but no later than 4 months, a delivery verification certificate, certifying that the military goods have reached their destination.

Argentina's statement highlighted the role of regional and sub-regional cooperation and the Voluntary Trust Fund (VTF) in helping states develop national controls to implement the Treaty. Their statement also outlined plans to present a voluntary questionnaire for GBV assessments at the ATT 2nd Prep week in May 2023.

Finally, the **State of Palestine** and **MAAT for Peace** called for the discussion of actual arms transfer cases as part of the formal ATT process, to support more effective treaty implementation.



Photo Credit: Permanent Mission of Mexico in Geneva

WORKING GROUP ON EFFECTIVE TREATY IMPLEMENTATION (WGETI)

Sub-Working Group on Article 9 (Transit and Transshipment)

The sub-working group on Article 9, facilitated by Mr Rob Wensley of South Africa explored the relationship between Article 9 and other articles of the Treaty.

The group discussed the Draft Voluntary Guide on the Implementation of Article 9, which aims to provide an overview of implementation by States Parties and facilitate a better understanding of key concepts in Article 9 and the legal and policy concepts involved. To date the sub-working group made progress on the following elements of the Voluntary Guide:

- National approaches terms for 'transit' and 'transshipment' - the sub-working group particularly looked at national practices to understand whether states apply the same definitions in their legislation. Most states do not distinguish between the two actions but deal with them under the general term of transfers.
- The phrase 'under its jurisdiction' and 'through its territory in accordance with international law' - the sub-working group unpacked these terms. However, most States Parties believed there was no need to interpret concepts already defined under international law.
- Transit and transshipment of arms by land (mainly road and rail in practice) under which the sub-working group heard presentations which explored international and regional measures which regulate transit and transshipment as well as free trade zones.
- Transit and transshipment by air - the sub-working group looked at national measures, seeking to understand which national authorities are involved and what initiatives cover transit by air.
- Transit and transshipment by sea
- The role of private actors in the transit and transshipment of arms - the working group heard a presentation from the private sector and discussed the importance of interacting with the private sector on this issue, including arms manufacturers, shipping companies, and agencies.

States Parties generally welcome the introduction of the voluntary guide. More than one delegation pointed out that because transit and transshipment is not defined under the Treaty, the Voluntary Guide was a useful resource.

The **ICRC** called for a more detailed analysis of Article 9, and for states to identify and address practical implementation challenges as well as good practices. The ICRC more generally raised issues regarding when/if transit/transshipment controls would apply (i.e. Free trade areas). The ICRC also called on states to consider if other disarmament frameworks could be drawn on to bring clarity. Similarly, **Control Arms** encouraged coastal State Parties to share their practical experience with the interpretation and implementation of their concurrent obligations under the ATT and those under the law of the sea, including the right of innocent passage. Control Arms also urged states to explore the intersection of the ATT and the Chicago Convention on Civil Aviation.

Fair Trade Group (representing industry) and China both reiterated their concern that existing legal concepts would be reinterpreted, or that new obligations might be sourced from the voluntary guide. The facilitator, as well as Switzerland and the ICRC, made clear that the point of the voluntary guide was not to re-interpret legal concepts or to introduce new obligations on States Parties.

Fair Trade Group (representing industry) also stated that the ATT process was creating additional challenges for lawful firearms holders, stating that additional regulatory burdens were disrupting the ability to lawfully ship firearms and ammunition by air amongst other concerns.

Uruguay and **China** both argued the importance of regional cooperation as well as understanding the regional context when implementing Article 9. Brazil made a similar statement during the discussion on the relationship between Articles 6, 7, and 9 later in this session.

Uruguay, China, and Brazil all pointed to the regional dynamics which colour this debate due to the particularly transnational nature of transit and transshipment. All three States argued that regional cooperation was therefore key. The **ICRC** likewise pointed to the issue of competing jurisdictions when providing a statement on the applicability of Article 9.

With that, the work for this session on the voluntary guide on Article 9 concluded, with any final suggested changes being asked for in writing.

The session then moved on to discussions of **state practice regarding the implementation and relationship between Articles 6, 7, and 9**. Interventions came from the delegations of **France, Switzerland, Romania, Argentina, Brazil, Spain, Zambia, and Belgium**, as well as civil society. All States Parties stated that, to some degree, Article 9 had been implemented into its national control system. **Control Arms** took the floor to highlight two key areas which require further attention from the sub-working group:

1. clear interpretation of the phrase “appropriate measures where necessary and feasible” as set out in Article 9. Control Arms noted that paragraph 4 of the Background Paper states that “as a minimum, States Parties need to be able to interdict transit – including through territorial sea – that would be in violation of the prohibitions in Article 6,” especially in cases of arms embargoes or if the state has knowledge that arms or items would be used in the commission of genocide, crimes against humanity or war crimes. However, Control Arms believes that given the differences between the legal, regulatory and practical “abilities” of states to interdict transit, further clarification of this statement is needed.
2. A better understanding of how transit and transshipment states approach the requirements to prohibit ammunition and parts and components under Article 6, while ammunition and parts and components are specifically excluded from Article 9.

A number of states (**Romania, Argentina, and Brazil**) highlighted the importance of implementing Article 9 in combating the threat of diversion.

WORKING GROUP ON EFFECTIVE TREATY IMPLEMENTATION (WGETI)

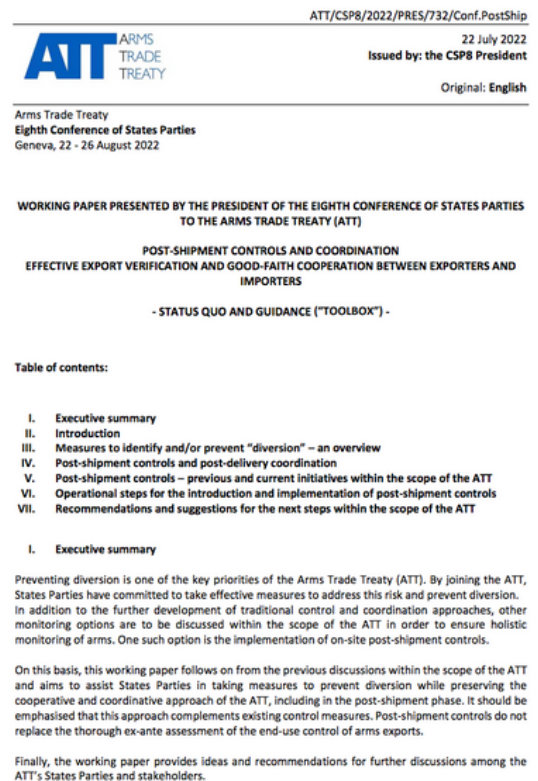
Sub-Working Group on Article 11

The Sub-Working Group on Article 11 (Diversion) focused on the topic of **post-delivery cooperation** and was guided by a [background paper](#) prepared by the Sub-Working Group. The Paper contained guiding questions intended to identify the specific topics in relation to post-delivery cooperation that States Parties want to take up during this cycle, and which outcomes states want to achieve for CSP9.

The session opened with a [presentation](#) from the **Stockholm International Peace Research Institute (SIPRI)** outlining the progress and findings from discussions on the subject of post-delivery cooperation during the CSP8 cycle. The presentation highlighted three key points:

- States must do more to agree on common terms to describe post-shipment on-site inspections since the current range of terms creates confusion. This should include common terms for wider related measures, e.g., delivery verification certificates, joint physical security and stockpile management (PSSM).
- There should be a more substantial exchange of views as part of the ATT process, including on different types of measures and when inspections are appropriate.
- The ATT could play a role in building bridges between export control and importing stakeholders, for example, those conducting PSSM assistance communities. The ATT could be used as a platform to share ideas on if and how PSSM standards can inform post-shipment controls.

Switzerland asked SIPRI about the benefits of linking post-shipment controls and PSSM measures, given that PSSM usually forms part of a long-term project or initiative. The representative from SIPRI clarified that although there may be some high-level differences (e.g. on-site post-shipment controls are ad-hoc while PSSM measures are long-term), there are similarities between the methods employed which can foster learning (e.g. national inspections of stockpiles).



Spain, China, Peru, France, Brazil, Italy, Netherlands, the European Union (EU) and the Republic of Korea made statements in support of efforts to counter diversion, including through post-shipment controls. Several States Parties (**Spain, Mexico**) provided practical examples of inspection exercises they have undertaken and the benefits of international cooperation on this issue. Moreover, **Mexico** and **Switzerland** highlighted the need for the perspectives of importer states to be taken into account in any ATT recommendations.

The **EU** noted the importance of trust between exporting and importing states when engaging in post-delivery cooperation, which can be supported by civil society organizations. The EU also flagged arms transfers to Ukraine - both bilaterally and under the European Peace Facility (EPF) - as a case study which highlighted the need for post-shipment controls to avoid diversion to Russia. Their statement also suggested potentially introducing a public component to the Diversion Information Exchange Forum.

In terms of taking this subject forward, a number of States Parties (**France, Peru, Netherlands**) expressed a desire for more sharing of information and good practices in relation to post-shipment controls, rather than another set of voluntary guidelines. However, this position was not conclusive and at the end of the session Ambassador Sanchez noted that this question (new guidance or another mechanism) would be considered over the course of the cycle, including how this work complements the work of the DIEF.

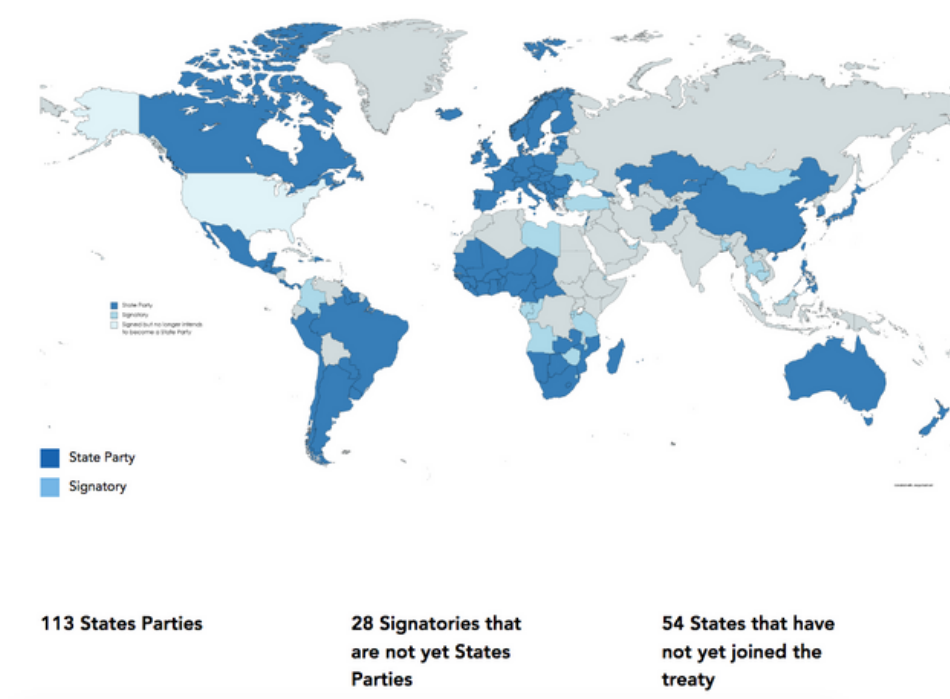
WORKING GROUP ON TREATY UNIVERSALIZATION (WGTU)

This session, co-chaired by Ambassador Yoon of the Republic of Korea and CSP9 President and Ambassador Thomas Göbel of Germany and CSP8 President, was structured as a series of updates on efforts towards Treaty universalization, before concluding with a discussion of the [Draft Paper - Enhancing the Work of the ATT Working Group on Treaty Universalization \(WGTU\)](#).

Agenda item 2: ATT Secretariat update on the status of ratifications and accessions

The ATT Secretariat, which presented an update on the state of ATT universalization, noted that the number of States Parties has reached 115. Gabon and Andorra are the newest states to join the ATT. 28 states are ATT signatories and 54 states are not members of the treaty. The ATT Secretariat also noted that the overall rate of universalization has dropped significantly in recent years.

Status of ATT Participation



Source: ATT Secretariat website.

Agenda item 3: Update on the WGTU Co-Chairs activities to promote the universalization of the ATT

Ambassador Yoon explained that since August 2022, the Republic of Korea has undertaken a number of efforts towards universalization, including the translation of ATT materials into Asia-Pacific languages. She announced that the Republic of Korea plans to continue the focus on the Asia Pacific region in its ATT Universalization outreach efforts. Her Presidency will also conduct outreach towards industry on the ATT and export controls.

Agenda items 4 & 5: Update on efforts to promote the universalization of ATT (by states and civil society)

Nearly all States Parties who took the floor in this session signalled their support for efforts towards Treaty universalization and welcomed the newest states parties to join the Treaty. A number of states, including **China, Peru, Nigeria, Palestine, Netherlands** and **Mexico** noted that a number of major exports and importers remain outside of the Treaty and cautioned that the Treaty can only be effective when it enjoys wide universality.

Several states (**Italy, France, Japan**) highlighted the positive role that civil society plays in Treaty universality and implementation. A number of states (Comoros, Italy, Japan, New Zealand) spoke favourably of the role that the VTF has played in bringing States to the table, including those that benefited directly from the VTF.

The **ICRC** said it had been working with regional champions in Africa and Asia to further Treaty universalization, but that these efforts had to be expanded. Similarly, **Control Arms** outlined a number of universalization initiatives planned for the CSP9 cycle including an in-person program titled “ATT Academy for Diplomats” which will be open to new diplomats from States Parties as well as states that have yet to join ATT.

Notably, **Comoros** stated that they “will ratify [the Treaty] as soon as conditions are met back home to do so” while the **Gambia** stated they are “on the verge of ratification.”

Agenda item 6: Consideration of draft paper on enhancing the work of the WGTU

Ambassador Thomas Göbel presented the Draft Paper - Enhancing the Work of the ATT Working Group on Treaty Universalization (WGTU), which proposes a targeted approach to coordinate the accession of new countries. Stressing that regional outreach cannot happen “from a desk in Geneva”, the Ambassador noted the need to “incorporate long-standing context and experience within each region” into ATT universalization efforts. He explained that the paper proposes the adoption of a regional lens to understand the individual challenges that specific countries face in ascending or implementing the ATT. Ambassador Göbel, who also introduced a proposal for the identification of regional champions for each region, noted that new ATT States Parties are particularly well-situated for this role.

Most States and stakeholders expressed support for the establishment of regional champions, including **Ireland** and **Control Arms**. Some states (**Mexico, Uruguay, France**), while supportive of this proposal, made inquiries regarding the availability of resources and funding to support this initiative, or more generally about the practical implementation of this plan. Ambassador Göbel welcomed the constructive conversation and noted that more concrete details will be presented at the next meeting.

WORKING GROUP ON TRANSPARENCY AND REPORTING

Guided by the [WGTR Introductory Paper](#), this session covered three key [agenda](#) items:

- 1.State of play of compliance with reporting obligations and challenges concerning reporting
- 2.Substantive reporting and transparency issues under article 13 of the ATT
- 3.Transparency issues and information exchange

Agenda item 1. State of play of compliance with reporting obligations and challenges concerning reporting

The ATT Secretariat provided a [presentation](#) on the state of play with reporting obligations which highlighted downward trends in reporting. For example, by February 2023, only 51% of states have submitted all their Annual Reports for years 2015-2021; 24% of states complied with reporting obligations for some of those years, and 25% have not submitted any report for the past 7 years. The ATT Secretariat also noted that while the number of States Parties has increased over the years, this has not resulted in a comparative growth in annual reports being submitted.

Annual report Global statistics 2015-2021



Year	Annual Reports due	Annual Reports submitted (and due)	Annual Reports submitted (and not due)	Annual Reports due but <u>not</u> submitted
2015	61	51 (84%)	3	10 (16%)
2016	75	56 (75%)	1	19 (25%)
2017	89	62 (70%)		27 (30%)
2018	92	67 (73%)	1	25 (27%)
2019	97	68 (70%)	1	29 (30%)
2020	105	66 (63%)		39 (37%)
2021	110	68 (62%)		42 (38%)

Source: ATT Secretariat Presentation on ATT Reporting.

Several states, including **Brazil, Cameroon** and **Lesotho**, took the floor to reassure the WGTR that they are working to meet their reporting obligations. For example, **Cameroon** shared that through the European Union ATT Outreach Project, in 2022 Cameroon undertook changes at the national level to strengthen Cameroon's reporting capacity. As a result, Cameroon is currently working on compiling the 2021 and 2022 annual reports. **Lesotho**, on the other hand, stressed the need for cooperation and assistance to fulfil its ATT reporting obligations.

Several states who have met their ATT reporting obligations, including **Argentina, France, China and Mexico, Argentina and Japan**, reiterated the importance of transparency and reporting and reaffirmed their commitment to supporting other states to meet their reporting obligations. **France** explained that in accordance with its national legislation, it has to first submit a report on annual exports to its Parliament, before being able to report to the ATT, hence the delay in submitting its annual report.

However, France's annual reports are available online and can be accessed by all parties concerned, including civil society. **China** noted that it has always fulfilled its commitment to transparency and reporting by providing its initial and annual reports to the ATT Secretariat as well as to UNROCA while **Japan** explained that it has submitted its annual report using the online reporting tools. In order to collect accurate and timely data, Japan stressed that inter-agency coordination with relevant domestic authorities is essential.

Mexico also invited the group of friends of the WG to provide an update on what they have done to help other states in terms of reporting and has proposed developing a list of responsibilities or suggested actions for potential regional champions and regional organizations. The **ATT Monitor**, a project of Control Arms, welcomed the proposal for regional champions but cautioned that they should be selected from among States Parties with a strong record of submitting publicly available reports that fulfil the criteria of meaningful transparency developed by the ATT Monitor.

Both **Mexico** and **Argentina** referenced synergies with other international and regional instruments. Argentina in particular referred to the MERCOSUR Working Group on Firearms and Ammunition which adopted the "Memorandum of understanding on the Exchange of Information on the Illicit Manufacturing and Trafficking of Firearms, Ammunition, Explosives and Other Related Materials", a regional framework which has enabled states to detect illicit trade at the regional level by providing a common language to detect and trace controlled material.

The **European Union** shared initiatives at the EU level to promote transparency including its report on arms transfers by EU members and a paper on reporting good practice (internal). The EU also reaffirmed its long-standing commitment to assist states, including through the EU-ATT Outreach Project, to build capacity and comply with reporting obligations.

Italy explained that in this context of its 2022 annual report, it has not to avail itself of the 13.2 clause allowing states to exclude commercial or national security sensitive information from its ATT report. Instead, Italy provided information on all categories of weapons exported to all destinations.

The Netherlands, who reaffirmed its commitment to transparency and reporting, explained that exports to Ukraine will not be included in its reports for national security reasons. The Netherlands explained that this was not a comfortable decision, but it was a necessary one and noted that it looks forward to returning to full transparency in its annual reports.

The **ATT Secretariat** explained the **peer-to-peer project** (Project of Voluntary Practical Bilateral and Regional Assistance with Reporting), which was first discussed at CSP5. This project was envisioned as an informal initiative for states with significant experience in reporting and a comprehensive reporting system to make themselves available to other states who require assistance in this regard. As a first step in developing the project, at CSP6, the ATT Secretariat organized a 'meet and greet' event to facilitate exchanges between the two types of states (reporting experts and states seeking assistance). The process came to a halt due to the COVID-19 pandemic -

the first meeting took place a few days before the global lockdown - and since then the project has not been a priority. However, the ATT Secretariat is keen to re-prioritize the project and looks for feedback from states on ways forward. **Switzerland** welcomed the Secretariat's proposal to identify regional champions on reporting and contacting them to engage with States Parties in the region that struggle with reporting.

Agenda item 2: Substantive reporting and transparency issues under ATT Article 13

Under this standing agenda item, SPs and other stakeholders may raise substantive issues that could benefit from further discussion in this WG, including public availability of reports; gender considerations and how states take that into account in the treaty implementation; aggregation of data, UNROCA box in the ATT reporting template.

The **ATT Monitor** urged the WGTR to explore more closely the reasons behind the increase in the submission of confidential reports, with a view to formulating an action plan to reverse this troubling trend. The ATT Monitor also welcomed the WGTR's focus on gender and reporting and the invitation to States Parties to share how they take into account gender considerations with regard to their initial reports. With regards to the issue of aggregation of data in annual reports, the ATT Monitor invited the WGTR and ATT States Parties to refer to the ATT Monitor's publication *Achieving Meaningful Transparency: Why Disaggregation Matters?* to find examples of where aggregation happens more often as well as helpful information on how to assist States Parties to improve the inclusion of more disaggregated information.

Table 1 - Number and percentage of publicly available annual reports (excluding nil reports and early submissions) with fully disaggregated information

	2015	2016	2017	2018	2019	2020
Number of publicly available reports	48	48	52	49	47	40
Number of publicly available reports with fully disaggregated information	27	27	31	31	28	27
Percentage of publicly available reports with fully disaggregated information	56%	56%	60%	63%	60%	68%

Source: ATT Monitor "[Achieving Meaningful Transparency: Why Disaggregation Matters?](#)"

Agenda item 3: Transparency issues and information exchange

Under this agenda item, States have an opportunity to explore transparency in other parts of the Treaty, where cooperation between states is encouraged. Article 7.6, Article 8.1, Article 11.3 and 11.5, Article 13.2, Article 15.2 - 4, and Article 15.7 - all include encouragements or requirements for States Parties to share information on a number of topics and a number of resources have been developed for this purpose. These resources are the DIEF which was established at CSP6 and the online platform on the ATT website which seeks to facilitate information sharing on a variety of topics.

The ATT Secretariat invited states to respond to the following questions:

- Do participating states see a continuing role for the information exchange platform as part of the ATT process?
- Should access to the platform be extended to all registered ATT stakeholders?
- Are there any other improvements that could enhance the platform's use?
- Could a simple step like the ATT Secretariat notifying SPs of announcements on the platform to enhance its use?
- Is the current set-up sufficient to allow meaningful exchanges and information sharing?
- Are participants interested in a searchable online database and, if so, want to mandate the ATT Secretariat to obtain cost estimates of a searchable database according to these parameters?

Brazil explained that proactive investigations and information sharing on diversion cases have been essential in tackling crime. As such, Brazil views the online platform as a great asset to ATT States Parties, especially in cases where a diversion occurs across multiple jurisdictions.

The Netherlands expressed support for the establishment of an online database and welcomed the idea of mandating the ATT Secretariat to obtain cost estimates. However, the Netherlands explained that the database should have as much flexibility as possible, to allow for searches with a granularity of detail. While noting that only public reports would be included in the database, the Netherlands also inquired if it would be possible to develop a subsection of the database available only to ATT States Parties.

While **France** welcomed the proposal for the database, noted that only six per cent of annual reports were received electronically, meaning that all reports submitted on paper would have to be entered manually, which could be costly. On the other hand, including only digital reports would make the database incomplete. As such, France cautioned that this project should not lead to additional obligations on ATT States Parties.

Switzerland also welcomed the proposal and noted that the online database should include both authorizations and actual transfers as well as both units and values. To ensure the feasibility of the database, Switzerland stressed the importance of submitting public annual reports via the online reporting tool and explained that data submitted should be disaggregated to enhance transparency.

China explained that states are already reporting this data to UNROCa which has an online, searchable database. In this context, China wondered if developing another database in the ATT framework might be a duplication of work. China also urged States to use resources from other processes to save financial resources. **The ATT Secretariat** explained that the ATT annual reporting is the only legal obligation of its kind. Therefore, the ATT database would be set apart from all other similar databases.

1ST CSP9 INFORMAL PREPARATORY MEETING

Item 1. Opening of the Meeting and Adoption of the Agenda.

In the morning session of the 1st CSP9 Preparatory Meeting, the CSP President Amb. Seong-mee Yoon of the Republic of Korea opened the meeting and laid out the plan of work referencing the day's agenda.

Item 2. Introduction of the Priority Theme of the CSP9 Presidency.

For the CSP9 cycle, the CSP Presidency chose industry as the priority focus. Amb. Yoon began her comments by indicating that the Treaty recognizes the voluntary and active role that industry can play in raising awareness of the object and purpose of the ATT and referenced that the important role of industry is consistently recognized in recurring UNGA resolutions. Noting the fading interest of industry in the ATT, Amb. Yoon emphasized that she does not intend to engage with industry for the sake of engagement, but to explore ways to benefit mutually to strengthen ATT implementation. Amb. Yoon centred her focus on the following question: What are the potential benefits for industry to engage in the ATT?

Amb. Yoon indicated that she raised this question with industry in her consultations and exchanges, which elicited the following three points:

- During ATT negotiations, industry expressed that it did not want the ATT to undermine legal and legitimate business
- Also at this time, industry hoped the ATT would “level the field” by setting international standards
- Greater predictability was another expected benefit of the ATT for industry.

Amb. Yoon summarized that “if an effective platform can be established, it can help industry in keeping in line.” She also noted that industry would also benefit from hearing updates on the work of the ATT, including information exchanges at the CSP meetings.

Amb. Yoon then laid out the benefits of industry engagement for the ATT CSP, which included learning industry perspectives on recent developments in the arms trade, such as how transfers are conducted, the “active flow” of information on topics such as diversion, corruption, etc. Referencing the responsibility of national governments to implement the ATT and noting the Presidency's intent to build on the workshop held by UNIDIR in January 2023 as well as the side event held on Wednesday 15 February, Amb. Yoon concluded her comments and welcomed an active exchange of views.

11 States (Mexico, Uruguay, Ireland, France, Spain, Switzerland, Peru, South Africa, China, Panama and the State of Palestine) and 3 organizations (Control Arms, WILPF and F.A.I.R. Trade Group) engaged in the exchange of views that followed.

Ireland, Mexico, Uruguay, Peru, Panama and the State of Palestine, along with **Control Arms** and **WILPF**, recognized the importance of considering human rights and corporate responsibility in the priority theme of industry. **Ireland, Panama, Control Arms** and **WILPF** included specific references to the UN Guiding Principles on Business and Human Rights and urged its consideration in the context of the discussions on the role of the arms industry in the ATT.

Mexico welcomed the focus on industry, stressing the importance of this issue to the Latin American region. Mexico highlighted the work it is leading at the regional level to further link between industry's corporate responsibility to address illicit arms flows and its consideration that ATT States Parties approach the responsibility of industry with a viewpoint of human rights and security.

Uruguay welcomed the focus on industry to promote transparency, responsibility and responsible behaviour in all areas of the international arms trade in order to prevent violations of human rights. Uruguay further noted that human rights violations are not only in the hands of states but that industry must also play a role to avoid such violations. Uruguay emphasized the importance of making clear that the industry focus here in the ATT runs parallel to other efforts carried out and noted that better collaboration between States Parties and industry will be very helpful.

Ireland welcomed the focus and noted the important role of the private sector in the implementation of the ATT. Ireland suggested discussions on the role of industry in the ATT should reflect similar conversations in other international UN fora and that the ATT process leverage these other mechanisms, including discussions in the UN Human Rights Council. Ireland also noted that it sees merit in discussing the UN Guiding Principles on Business and Human Rights in this context to encourage businesses to account for how they address their impact on human rights.

France noted the role of industry in the ATT as essential. In France, authorization holders must comply with a host of obligations under French legislation both before and after transfers occur. In addition to industry's role in specific authorization compliance, France shared that military companies also play a role to mitigate illicit trafficking and can cooperate with national authorities in this regard and welcomed their engagement in the ATT Working Groups where they could provide important perspectives.

Spain welcomed the focus on industry. Indicating its focus in this regard on the national scale, Spain sees such dialogue on an international level as a way to improve ATT implementation. Spain noted that industry should have better knowledge of international rules and obligations, and are open to proposals to advance these discussions.

Control Arms welcomed the transparent and consultative approach of the Presidency in setting out its priority theme of industry and noted industry's role in supporting ATT implementation and compliance. Noting that human rights are a cornerstone of the ATT and the Treaty's focus on the role of states in addressing human rights impacts of the arms trade, Control Arms also referenced the important responsibilities of the arms industry in respect of human rights as enumerated in the

Guiding Principles on Business and Human Rights. Control Arms concluded that discussion on how the Guiding Principles apply to industry will support and strengthen the objectives of the ATT.

Switzerland welcomed the focus on industry and shared that they include industry in their export policy and practice. Switzerland noted that, as main actors involved in the arms trade, industry's understanding of the best practices in the control system can be leveraged to support an arms trade that is more responsible.

Peru welcomed the focus on industry and referenced the ATT's goal of preventing the consequences that the irresponsible arms trade could have on human rights. Peru also shared its initiative, along with Ecuador, in the Human Rights Council to support a resolution on the consequences of the arms trade on human rights.

South Africa expressed its belief that all actors in the field of arms control have a role to play in the implementation of the ATT, including industry. South Africa then posed a question to the Presidency: "When you say "developing an effective platform in order to consult further on this" and that you would study this further - what would this effective platform for consultation look like? Who will drive this progress?" South Africa then pointed out the current challenges of securing facilitation and chairpersonship for working groups, indicating that these shortages of personnel will likely continue.

WILPF welcomed the focus on industry and stated that discussing the role of industry is essential to address the impact of arms transfers and fulfilling the ATT's role. WILPF then indicated its view that the 2022 information note elaborated by the UN Working Group on Business and Human Rights should be consulted in the context of this discussion, in particular, that arms companies must carry out human rights due diligence and that the arms industry should not use states' obligations in the licensing process as an excuse for not conducting their own due diligence. WILPF also noted the human rights due diligence obligations of states in the context of firearms and recommended against artificially siloing these efforts. WILPF encouraged ATT States Parties to use the priority focus on industry opportunities to further discuss industry's responsibilities in the arms trade.

China welcomed the focus on industry and indicated it values the role of industry in responsible transfers and sees industry as the main stakeholder. China recommended that companies engaging in arms trade abide by relevant resolutions of UN arms embargoes and seriously assess potential risks, including diversion. China also stated that companies in this industry must respect the provisions of laws and regulations of the countries in which they operate when exporting and they must do a good job in recordkeeping. Finally, China suggests that, after completing exports, companies should follow the rules of the governments and faithfully submit relevant documents and material on the export of arms and cooperate with government departments to fulfil obligations.

Panama welcomed the focus on industry and indicated as it did in CSP8 that the role of industry has always been the “elephant in the room,” further indicating its view that companies have for too long been outside the scrutiny of this forum. Panama emphasized that existing states’ obligations to conduct human rights due diligence does not release companies from carrying out their own human rights due diligence obligations. Panama identified the UN Guiding Principles on Business and Human Rights, indicating their broad application to all states and companies and emphasized the importance of reporting on how risks are managed.

State of Palestine welcomed the focus on industry, indicating that it merits more focused attention. Palestine referenced prior statements and set out its belief that industry also has responsibilities, including those involving human rights. Palestine encouraged states to ensure that the arms industry is subject to due diligence and that they do not develop weapons that could exacerbate arms races.

F.A.I.R. Trade Group welcomed the focus on industry. F.A.I.R. Trade Group then claimed “we are the industry” and identified its members as “where the rubber meets the road.” F.A.I.R. Trade Group recognized that the industry is “not dealing with toaster ovens, we’re talking about powerful tools. They can be used for both harm and good.” After claiming that its members can efficiently and quickly move these important tools, as in Ukraine, the laws and regulations governing such movement can have unintended consequences. F.A.I.R. Trade Group expressed its willingness to engage in the ATT process and its belief that cooperation between industry and government can make a difference. Recognizing the complexities of the the international arms industry, F.A.I.R. Trade Group sees promise in this cooperative discussion.

The rest of the morning session included a presentation on the progress of implementing CSP8 decisions into this current ATT CSP cycle.

Item 3. Overview of implementation of CSP8 Decisions

Mr. Dumisani Dladla provided an overview of the implementation of each of the decisions taken during CSP8. The decisions that included action steps are as follows:

Elections and Appointments

The election of the CSP9 President (Republic of Korea) and Vice Presidents (ADD NAMES) and the 2-year appointment of the VTF Selection Committee (LIST 12 SP names).

CSP8 Thematic Focus on Post-Shipment Controls (PSC). States parties were encouraged at CSP8 to continue discussing approaches and understanding of PSC in the context of diversion controls and are doing so during CSP9 through the WGETI sub-Working Group on Article 11. States parties were also encouraged, where appropriate and on a strictly voluntary basis, to share experiences regarding the implementation of PSC measures within the scope of the ATT, through various means, without setting additional burdens beyond the obligations of the Treaty. This was deemed as ongoing in the context of the sub-Working Group on Article 11.

WGTU

At CSP8, States Parties welcomed the draft paper “**enhancing the work of the WGTU**” and requested Germany to further work on this issue as WGTU Co-chair during the next CSP cycle and to present recommendations to CSP9, Germany has elaborated on this draft paper by submitting a second draft in advance of these working group sessions, and it is currently under WGTU discussion.

WGETI Sub-Working Group on Articles 6 & 7

At CSP8, States Parties noted the completion of draft Chapter 1 (key concepts) of the Voluntary Guide to assist States Parties in implementing Art 6 & 7 and that Chapter 2 (prohibitions) will be elaborated during CSP9 cycle. During the February 2023 Working Group meetings, a draft Chapter 2 was presented and discussed. States Parties also decide that upon completion, the proposed voluntary guide should be submitted to Conference for endorsement.

WGETI Sub-Working Group on Article 9

At CSP8, States Parties noted that draft elements for a possible voluntary guide on Article 9 will be developed during the CSP9 cycle. A draft of these draft elements was presented during the February Working Groups.

WGETI Sub-Working Group on Article 11

At CSP8, States Parties noted the end of the multi-year plan and extended the work of this Group by one additional year to enable it to focus on the topic of PSC. Discussions on this topic began during these February 2023 Working Group meetings.

Working Group on Transparency & Reporting

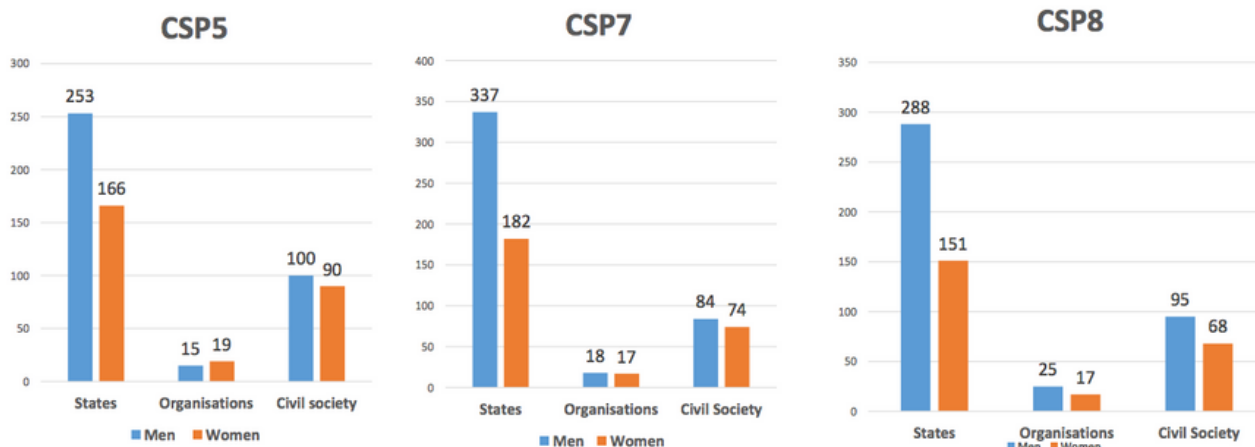
At CSP8, States Parties also recalled that transparency remains a key provision of the Treaty. The WGTR began its facilitation of these ongoing discussions during the February 2023 Working Group meetings.

Item 4. Status of gender participation in ATT meetings

The 1st CSP9 Informal Preparatory Meeting continued with a presentation by the ATT Secretariat on the **status of gender participation** in ATT meetings. Explaining that data collection only began in 2018 when the designation of ‘Mr’ and ‘Ms/Mrs’ was introduced, the ATT Secretariat pointed to a decline in the percentage of women in delegations across all categories (states, organizations, and civil society) from CSP5 to CSP8. The ATT Secretariat also noted that the slight decline in the number of delegations headed by women in this time period could be explained in part by the reductions in the size of delegations, in the post-COVID period.

No States or stakeholders made an intervention under this agenda item.

Participation: by no. of delegates



Source: ATT Secretariat Presentation on Gender Participation.

Item 5. Progress reports of ATT subsidiary bodies

Voluntary Trust Fund (VTF): The UK, as Chair of the VTF Committee, gave a brief introduction on the role of the VTF and noted that a full update will be provided at the 2nd CSP9 Informal Preparatory Meeting, in May 2023.

The ATT Secretariat then presented the status of VTF Finances. Mr. Dladla, Head of the ATT Secretariat explained that since 2016, expenditure under the VTF has reached 7 million USD; meaning that there are \$4.5 million available (committed) for projects. Some 2019 and 2020 projects are still under development, due to COVID-19 delays. Argentina raised concerns about the CSP8 proposals which would prevent states in arrears from receiving VTF funding. Italy urged the VTF Committee to leverage the VTF to address specific challenges, such as the declining rates in ATT reporting. Italy proposed a more proactive approach to assistance where the VTF Selection Committee or the CSP President, in cooperation with other office holders (e.g., the Management Committee), would invite states who require assistance to work on a proposal together (invite-to-apply model) rather than waiting for states to make a proposal.

On the **Working Group on Effective Treaty Implementation (WGETI)**, Ambassador Sanchez de Lerin (Spain) gave an overview of the discussion on the draft elements of a Voluntary Guide on Articles 6 & 7, which emphasized the need to avoid reinterpreting existing legal definitions. The discussion in the Sub-Working Group on Article 9 reflected on the progress made so far under the multi-year work plan and concluded that the work can be finalized in the CSP9 cycle. In the joint session on the relationship between Articles 6 & 7 and 9, States Parties highlighted the need to consider ammunition, parts and components in Article 7 assessments. Regarding Article 11, states emphasized the importance of cooperation between states and agencies and a suggestion was made to provide a new mandate to consider the relationship between Articles 6, 7, and 11. The

subject of post-shipment controls will continue to be discussed over the course of this cycle, with a focus on sharing good practices and experiences - including as part of the DIEF. The Chair noted that there were relatively few interventions under these agenda items, and called for delegations to send their contributions to the Secretariat in writing.

On the subject of the **Working Group on Transparency & Reporting**, the ATT Secretariat highlighted challenges to reporting, including declining reporting rates and rising levels of private reporting. States and stakeholders then explored ways to make progress on these challenges, including leveraging international assistance mechanisms, the designation of 'regional champions' with a good record of reporting to assist others, and the possibility of using simplified reporting templates for importing states. Many States Parties welcomed the tick box in the reporting template, which allows UNODA to use the data submitted for UNROCA reporting. The ATT Secretariat was also mandated to obtain cost estimates for the design of an online searchable database, despite some technical concerns about how the data would be uploaded and the low number of states currently reporting in this way. The Republic of Korea stated that they plan to organize an ATT outreach seminar for industry and authorities to share experiences on national control systems in Seoul in August.

The Co-Chairs of the **Working Group on Treaty Universalization**, outlined the Group's plan to focus on the Asia Pacific region as part of a multi-year approach, noting that this does not preclude states from other regions from joining the Treaty. The concept of 'regional champions' was introduced as a positive development to support universalization, supported by a network of regional organizations and civil society. Several concrete suggestions were made during the plenary session, including based on the draft paper provided in advance of the meeting, which will be further considered during the intersessional period and in the May 2nd Preparatory Meeting.

The Chair (France) of **the Diversion Information Exchange Forum (DIEF)** reflected on the information shared by States Parties at CSP8 as a positive step forwards for the group. He stated that there are two DIEF meetings planned for this cycle: one in May during the 2nd Preparatory Meetings and another in August during CSP9. States Parties were invited to notify the ATT Secretariat by the end of February 2023 if they intended to present a case of suspected or actual diversion in one of the sessions.

Management Committee (MC)

a) Status of ATT finances - The ATT Secretariat (Dumisani Dladla) presented the status of ATT finances, including the ATT Sponsorship Programme and the Assessed Contributions. The presentation indicated that the Treaty is suffering financially due to declining rates of payment of assessed contributions. The ATT Secretariat indicated that in 2022 they payment of assessed contributions was reduced to 91.84%, and in 2023 it stands at 81.09% (payable by June 2023) compared to 93.82% between 2015/2016 to 2020, and 93.20% in 2021. Given this difficult financial situation, the Secretariat explained that the ATT Reserve Fund, established at CSP5, may need to be used as the end of the 2023 fiscal year approaches. Mr Dladla also reminded states in

arrears with the payment of their assessed contributions that they can negotiate a financial arrangements with the ATT Secretariat. To date no State has availed itself of this option. **France, the EU, Switzerland, Canada** and **UK** all expressed concern over the financial situation of the ATT and encouraged States Parties to either pay as soon as possible or enter into a payment plan with the ATT Secretariat. Switzerland suggested that the Secretariat conduct (or commission) a study to better understand what to do and what measures should be taken if the Treaty were to enter into a dire situation.

b) Review of ATT programme of work - South Africa, on behalf of the Management Committee presented a background paper which considered the ATT Programme of Work from four perspectives:

- a. the thinking behind the informal ATT prep process;
- b. progress/benefits of the ATT process so far;
- c. emerging challenges to the ATT process/programme of work;
- d. alternative options to consider.

A significant number of states made interventions under this agenda item, with a wide range of proposals and views. **China, the UK, Japan, Canada,** and **France** all spoke in favor of reducing the amount of time spent on informal preparatory meetings, with the majority suggesting a cut from 8 days of working group meetings to 4 or 5 days. These states suggested that the ATT has comparatively more time allotted than other international instruments, which poses a challenge in a busy disarmament calendar and significant financial pressures on the Treaty itself.

Conversely, **Switzerland, Gambia, Palestine, Mexico,** and **Panama** - as well as **Control Arms** and **WILPF** - expressed concerns over plans to reduce the amount of time spent on the working group sessions, noting that this is where the majority of the substantive work under is conducted. These stakeholders acknowledged that there is a need to rethink the ATT programme of work to focus more on practical implementation and challenges that States Parties are facing. However, they cautioned that this should be done through open consultation and a review of the subject focus rather than cutting the preparatory time. Several other States Parties (**Spain, New Zealand, Ireland,** and **the US**) made interventions with a more nuanced position, calling for stocktaking before making any decisions.

INITIAL REFLECTIONS IN SUPPORT OF THE PRESIDENCY'S THEMATIC PRIORITY: "THE ROLE OF INDUSTRY IN PROMOTING A RESPONSIBLE ARMS TRADE"

Date: 15 February 2023

Sponsors: UNIDIR, Stimson Center, Conflict Armament Research

Panelists: Amb. Seong-mee Yoon, CSP9 President, Republic of Korea, Rachel Stohl, Stimson Center, Anna Mensah, UNIDIR

Moderator: Paul Holtom, UNIDIR

Amb. Seong-mee Yoon of the Republic of Korea and CSP9 President kicked off the meeting with background information on the CSP9 Presidency's thematic focus: the role of industry in the transfer of conventional arms. While acknowledging that the ATT recognises the voluntary and active role that industry can play in raising awareness of the object and purpose of the treaty as per its Article 1, she lamented that the presence and involvement of industry has not been as visible as hoped. Amb. Yoon stated the Presidency's interest in taking stock of the situation and exploring ways to engage more with industry in the ATT context. She sees this task as more meaningful this year as the ATT celebrates its 10th anniversary, and hopes to be able to present complete recommendations for action on the role of industry in the transfer of conventional arms. In closing, Amb. Yoon stated that the Republic of Korea is committed to and stands ready to cooperate with ATT States Parties, industry, and stakeholders to establish highest possible standards and promote responsible international transfer of arms.

Rachel Stohl, on behalf of the Stimson Center, began her presentation by stating clearly that it is the responsibility of national governments to implement the ATT, but noted that industry has a role in the universality and implementation of the ATT. That role, according to Stohl, is to comply with the standards, laws, procedures and other regulations outlined by States Parties. While industry actors are not parties to the ATT, nor are they responsible for reporting to the ATT, Stohl pointed out that industry is on the frontlines in terms of identifying gaps in the system and trends that arise in the arms trade in a very practical way.

Since the earliest negotiations, Stohl continued, industry has played a role in the process. During the negotiations, Stohl noted that industry worked to ensure that the adoption of the ATT brought with it no unintended consequences that would undermine legitimate trade and that it did not introduce additional unnecessary costs or burdens. She added that industry also helped identify for those negotiating the treaty what implementation would look like in practice,

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including some of the practicalities of ATT implementation on issues like record keeping, reporting, due diligence, and others. Stohl also pointed out several ways identified by industry in which it could benefit from the ATT:

- The ATT can help level the playing field for industry – all countries are playing by the same rules and guidelines;
- The ATT could facilitate better convergence of arms transfer policies around the world, which can help industry maintain compliance more holistically and reduce potential risks;
- The ATT establishes clear elements of a national control system and allows for greater predictability in the arms transfer process; and
- The ATT establishes common understanding of the various actors which can ensure that stakeholders play by the same rules and under the same principles.

Because industry is keen to ensure the ATT won't undermine legitimate firearm ownership or their legitimate and legal transfer, Stohl continued, clarity in terms of ATT implementation helps to distinguish responsible transfers from irresponsible transfers and reduce reputational risk.

Moving forward, into the Treaty's second decade, Stohl recommended further consideration on how to involve the defense industry in the ATT, especially in identifying ways to enforce the practical aspects of the treaty (exports, imports, transfers, brokering, etc). For example, Stohl suggested the defense industry is in a position to help states collect data on imports and exports and can provide examples and information on transfer routes and the types of companies engaged in the transfer process.

Noting that states and industry are already working together, Stohl suggested there are additional opportunities where ATT stakeholders can identify where industry can make a positive impact on the ATT. At this stage, Stohl sees industry's potential positive engagement as going unfulfilled and provided a few reasons for such lack of engagement:

- The process of ATT harmonization has not been fulfilled;
- There is a continued lack of knowledge and awareness of the ATT across different industry standards;
- The current format of the ATT process does not provide a way for industry stakeholders to engage appropriately.

Stohl then posed a few questions to the ATT stakeholder audience:

- How can we best engage industry?
- What might be the greatest issues of concern or interest of industry for the ATT?
- What kind of things can industry itself do to help universalization and implementation of the ATT?

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Anna Mensah, on behalf of UNIDIR, provided a summary of the January 2023 brainstorming workshop sponsored by UNIDIR, the Stimson Center and Conflict Armament Research.

Mensah noted several concrete proposals identified by participants in the brainstorming workshop and asked the ATT stakeholder audience whether they believed these to be feasible and whether there are other options that could be considered. These suggestions are outlined below.

Regarding ways of enabling the private sector in engaging in responsible arms transfers, Mensah shared the brainstorming workshop participants' interest in identifying ways to raise awareness of the ATT among industry actors and clarifying the role of industry in supporting ATT implementation and universalization. Some participants suggested sharing with industry existing guidance and related materials that could enable their positive contribution and creating more guidance geared to national industries on how they can be most effective in helping governments implement the ATT. Also of interest to participants, Mensah continued, was exploring ways for States Parties to implement the Treaty that would provide more clarity to industry.

Mensah also shared that other participants suggested exploring how industry practices can help national governments on reporting and how ongoing information sharing between industry and governments on diversion risk could be utilized in risk assessment. To improve industry awareness, Mensah noted that some participant(s) suggested that each CSP Presidency undertake direct outreach to industry and that industry information be included on the ATT Secretariat website. In terms of promoting industry engagement, Mensah shared that participants also suggested that industry attend ATT working group meetings to learn about guidance and documentation that is already available and to share information on their activities and needs with regard to ATT implementation.

Finally, Mensah shared areas where participants saw a lack of clarity or predictability for industry in terms of ATT implementation. These include brokering, risk assessments and risk mitigation measures.

QUESTIONS AND COMMENTS FROM THE FLOOR:

Saferworld suggested that States Parties and industry representatives refer to the resource manual on strategic trade control outreach published by Saferworld. The manual covers government outreach on state trade controls as well as industry compliance, with a focus on good practice for internal compliance and what such compliance involves on a daily basis.

Control Arms expressed its appreciation of this exploration into the role of industry and indicated that it fully agrees there is more to be done on states raising awareness on the obligations of industry, especially on transit and transshipment and preventing diversion. With regard to the

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recommendations provided by UNIDIR in its presentation, Control Arms suggested the inclusion of the issue of human rights and industry. Control Arms noted that the issue of human rights is not new to the ATT, rather, it is a cornerstone of the text. Given these synergies, Control Arms suggested the inclusion of the UN Guiding Principles on Business and Human Rights in this discussion is both necessary and appropriate. Control Arms also noted an increasing focus at the UN in how the UN Guiding Principles apply to the arms industry, in particular. In closing, Control Arms stated that it is important to continue to strive for this “level playing field” in ATT implementation and compliance. While we do not have such a field at this time due to different applications of the ATT among States Parties, one way this could be achieved is through the human rights due diligence lens.

On a national level, Switzerland shared that it has significant cooperation with industry, but noted that there are challenges that should be discussed for industry generally in this forum. It also recognized the challenges in formalizing cooperation with industry. The challenges that industry have are often very specific and concern national legislation. These challenges need to be addressed on the national level and it is difficult to discuss these internationally, as systems differ. We need to find a way to bridge this gap to see what challenges can be discussed internationally, and which ones solely nationally.

Switzerland then shared that they had an interesting presentation with industry last year on preventing diversion with RFID chips. Switzerland saw this kind of exchange as helpful and tells us what tech can be used in the future. Switzerland then suggested that, in the future, stakeholders can harmonize differences to find ways to make some processes not so different from one another.

Gambia shared that they do not have industries in the defense sector, but suggested it would be important for national governments to identify focal points in industry that would be responsible for all ATT responsibilities. The government could also identify which industrial partners were the best in helping improve ATT compliance and implementation.

One audience member asked whether and how engagement with industry has occurred in the United States.

Rachel Stohl responded that many defense producers have engaged through an ATT forum with the US government since prior to the ATT actually coming into force where thematic issues are discussed. All but one of the CSP Presidents have met with this US industry group to hear concerns, interests, and views on how the treaty moves forward. In that context, Stohl sees this event as successful in awareness-raising. Stohl noted that this forum hasn't included transit and transshipment companies, brokers, or other companies/sectors in the transfer chain.

Stohl added that several years ago, there were transit and transshipment companies looking at the ATT and what it is, but this review has not continued in recent years.

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Stohl also reminded the audience that the US is not an ATT State Party, but that the US industry is looking to other countries to make sure the US companies aren't inadvertently breaching the obligations of their customers to ensure effective operation across borders.

Tanzania provided comments on the need to improve identification marks for firearms to include the manufacturer and the country of origin. The purpose of clearer marks, Tanzania stated, would be to make it easier to identify the origin of consigned arms.

FAIR Trade Group claimed they were the only industry representative at the ATT Working Group meetings, and indicated they were the only one at CSP8 as well, but noted they were not invited to the January brainstorming meeting on industry involvement. FAIR Trade Group then noted that the involvement of industry is critical to a successful ATT. FAIR Trade Group continued, "we can theorize, but if we don't also incorporate the reality, we walk out of here without a good treaty." FAIR Trade Group also noted that industry isn't homogenous and that it includes individuals as well as major multinationals. FAIR Trade Group noted that while many issues are national in nature, "there is an opportunity for the ATT to provide guidance on best practices for universal rules and clarity."

Finally, FAIR Trade Group acknowledged they are glad to be present and their interest in being a part of the discussion because there are some serious problems out there, like arms manufacturers losing carriers because the potential for fines are too great.

Netherlands reiterated what Switzerland has set out in their comment, that industry tends to deal directly with national governments, as it is national law that operationalizes EU law. The Netherlands also noted that EU-level discussion is taking place as well on this, but not necessarily on the ATT level, but on national guidance on compliance programs. Netherlands suggested it would be useful to share the EU conversations in ATT context to raise awareness. Netherlands added that at an EU level, the notion of responsible business also for the arms trade may take a concrete form in coming years.

Amb. Yoon provided her final remarks, thanking the audience for their various views and comments and noted that, in cooperation with the Consortium (UNIDIR, Stimson Center, CAR), the Presidency is carefully considering the input and also the interventions to be made on Friday (CSP PrepCom session).

Rachel Stohl then provided her final comments, indicating that it is very clear there isn't a one-size fits all approach in the ATT process. There is not just one industry, but many along the arms transfer chain. Stohl concluded that a holistic and comprehensive look is necessary and helpful in this regard.